IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 5903 of 2005(C)

AGAINST THE ORDER IN EP.1019/03 IN
OS.53/2003 of PRL.M.C.,IRINJALAKUDA

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PETITIONERS:

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1. JOSE, S/O. DEVASSYA,
   CHAKKACHAM PARAMBIL HOUSE, KOOTHUPARAMBU DESOM,
   IRINJALAKUDA VILLAGE, MUKUNDAPURAM TALUK.

2. VARGHESE, S/O. DEVASSYA,
   CHAKKACHAM PARAMBIL HOUSE, KOOTHU PARAMBU DESOM,
   IRINJALAKUDA VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT:

THE SYNDICATE CHITS FUNDS LTD.,
IRINJALAKUDA, MUKUNDAPURAM TALUK.

BY ADV. SRI.NIDHI BALACHANDRAN
SRI.T.K.MADHU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC NO.5903/05)

PETITIONERS' EXTS.:

EXT.P1: TRUE COPY OF THE EXECUTION PETITION IN EP NO.1019/03 IN O.S.NO.53/03 OF THE MUNSIFF COURT, IRINJALAKUDA.

EXT.P2: TRUE COPY OF THE OBJECTION DATED 21.5.2004 IN E.P.1019/03 IN O.S.NO.53/03 OF THE MUNSIFF COURT, IRINJALAKUDA.

EXT.P3 SERIES(4): TRUE COPY OF THE RECEIPT DATED 19.7.2004, 6.10.2004, 13.12.2004 AND 7.1.2005 IN E.P.1019/03 IN O.S.NO.53/03 OF THE MUNSIFF COURT, IRINJALAKUDA.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.5903 of 2005

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Dated: 31st May, 2007

JUDGMENT

Having regard to the rival submissions addressed before me, I am of the view that the only relief which can be aspired for by the petitioner is instalment facility in the matter of discharging the decree debt which presently comes to around Rs.30,000/-. Accordingly, the Writ Petition will stand disposed of issuing the following directions:

The order of stay presently passed will continue only on condition that the petitioners will remit every month commencing from 15.6.2007 at the rate of Rs.3000/-. It is made clear that in the event of any two defaults, they will forfeit the benefit of this judgment. Under such a contingency the court below will proceed with the execution as prayed for by the decree-holder.

srd **PIUS C.KURIAKOSE, JUDGE**